

REMARKS

Claims 1-2 and 4-17, as amended, are pending in this application. In this Response, Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claims 1 and 14 have been amended to clarify that authentication of a sequence of data sets is based on whether they are obtained within a predetermined period of time of one another. As now new matter has been added by the amendments herein, Applicants respectfully request entry of these amendments at this time.

THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-9, 11, and 14-17 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,393,139 to Lin *et al.* (“Lin”) in view of U.S. Patent No. 4,210,899 to Swonger (“Swonger”). Claim 10 was also rejected under § 103(a) as being obvious over Lin, Swonger, and further in view of U.S. Patent No. 5,864,296 to Upton (“Upton”). Additionally, claims 12-13 were rejected under § 103(a) as being obvious over Lin, Swonger, and further in view of U.S. Patent No. 5,594,806 to Colbert (“Colbert”). Finally, claim 16 was rejected under § 103(a) as being obvious over Lin, Swonger, and further in view of U.S. Patent No. 4,109,237 to Hill (“Hill”).

As conceded by the Examiner, Lin is silent with regard to the amount of time that an apparatus allows for a user to verify the user’s fingerprints and fingerprint entering sequence. To cure this deficiency, the Examiner cited Swonger, which discloses that access to adapt or a specific area can be determined based on a particular time period of access, *e.g.*, between 9 am and 5 pm. As shown above, Applicant has amended independent claims 1 and 14 to clarify that one aspect of the present invention bases authentication of a sequence of data sets on whether they are obtained within a predetermined period of time of one another.

While Applicant disagrees with the Examiner’s interpretation of the claims as previously recited, the independent claims have been amended to clarify that one aspect of the present invention is completely different from the disclosure of Swonger, as also discussed in Applicant’s Response filed March 13, 2008, the arguments of which are incorporated herein and are not repeated for the sake of brevity. Colbert and Hill similarly fail to teach or suggest this feature of the present invention.

As such, reconsideration and allowance of the pending claims is respectfully requested.

CONCLUSION


All claims are believed to be in condition for allowance. Applicant invites the Examiner to contact the undersigned attorneys to discuss any issues pertaining to the patentability of the pending claims.

A Petition for Extension of Time is submitted herewith extending the period for response three months to and including October 25, 2008. A Petition to Revive, a Request for Continued Examination, and the requisite fees, are also submitted herewith. No other fees are believed to be due at this time. Should any other fees be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5231-094-US01.

Respectfully submitted,
HANIFY & KING
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By: _____



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